

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of-----	)	
	)	
PUBLIC UTILITIES COMMISSION	)	DOCKET NO. 03-0372
	)	
Instituting a Proceeding to	)	
Investigate Competitive Bidding	)	
for New Generating Capacity in	)	
Hawaii.	)	
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NOTICE OF INTENT TO DISMISS JOHNSON CONTROLS, INC. AS A PARTY

PLEASE TAKE NOTICE that commission proposes to dismiss Johnson Controls, Inc. ("JCI") as a Party to this proceeding. The reasons for the proposed dismissal are that JCI failed to participate in this proceeding in accordance with the commission's orders and its continued involvement as a Party will unduly delay the proceeding. Specifically, by Order No. 20834, issued on March 3, 2004, the commission, among other things, granted JCI's Motion to Intervene and JCI became a Party to this proceeding. In granting JCI's Motion to Intervene, the commission also stated in Order No. 20834 the following:

"Further, we must admonish all intervenors and participants that their participation in this docket will be limited to only the issues determined and/or authorized by the commission. The commission will preclude any efforts that will unreasonably broaden these issues, and unduly delay the proceedings. The commission will reconsider any of the intervenors' or participants' participation in this proceeding if, at any time during the proceeding, the commission determines that any of the intervenors or participants efforts: (1) unreasonably broaden the

pertinent issues in this docket; or (2) unduly delay the proceedings."

As of the date of this Notice of Dismissal, JCI has failed to timely comply with any of the filing requirements and deadlines established by the applicable commission orders. For example, JCI failed to timely submit a position statement which was due on March 14, 2004 nor did it timely submit Information Requests which were due on April 4, 2005.<sup>1</sup>

Based on the above, the commission intends to dismiss JCI as a Party to this proceeding, unless JCI files a written objection to the proposed dismissal not later than ten (10) days from the date of this Notice of Dismissal, stating the reasons thereof and showing good cause for its failure to comply with the commission orders (i.e., Prehearing Order No. 20923, filed on April 23, 2005, as amended by Order No. 21575, filed on January 8, 2005).

If no written objection is received within ten (10) days from the date of this Notice of Dismissal, or if a timely written objection is received but is not supported by good cause, the commission will thereafter issue an order dismissing JCI as a Party to this proceeding.

By   
Kevin M. Katsura  
Commission Counsel

DATED: JUN 16 2005

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<sup>1</sup>See Order No. 21575, issued on January 8, 2005 (amending Prehearing Order No. 20923 and Clarifying Order No. 21037).

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Notice of Intent to Dismiss Johnson Controls, Inc. as a Party upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Certificate of Service  
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